

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

THE GENERAL HOSPITAL
CORPORATION and
DANA-FARBER CANCER
INSTITUTE, INC.,

Plaintiffs,

v.

ESOTERIX GENETIC
LABORATORIES, LLC and
LABORATORY CORPORATION
OF AMERICA,

Defendants.

C.A. No. 1:18-cv-11360-IT

ASSENTED-TO MOTION OF PLAINTIFFS TO AMEND CASE CAPTION

Plaintiffs The General Hospital Corporation and Dana-Farber Cancer Institute, Inc. (together, the “plaintiffs”) hereby move, with the assent of counsel for the defendants, to amend the case caption to properly reflect the full corporate name of defendant Laboratory Corporation of America Holdings (a/k/a Laboratory Corporation of America). In support of this motion, the plaintiffs state as follows:

1. On May 30, 2018, when the plaintiffs filed their Complaint in the above-captioned matter, the plaintiffs named two defendants – Esoterix Genetic Laboratories, LLC and Laboratory Corporation of America.

2. The defendants, after removing the case to federal court, moved on July 5, 2018, to dismiss the plaintiffs’ Complaint, and asserted in their motion to dismiss (Dkt. No. 9) that the plaintiffs had incorrectly identified Laboratory Corporation of America Holdings in the Complaint as Laboratory Corporation of America.

3. The plaintiffs subsequently filed an Amended Complaint on July 18, 2018 (Dkt. No. 18), in which they name, as suggested by the defendants, the defendant by its full formal corporate name – Laboratory Corporation of America Holdings (a/k/a Laboratory Corporation of America).

4. In light of the foregoing, the plaintiffs seek to amend the caption of the case to add the word “Holdings” after Laboratory Corporation of America.

5. The plaintiffs request that the new case caption be as follows:

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

THE GENERAL HOSPITAL)	
CORPORATION and)	
DANA-FARBER CANCER)	
INSTITUTE, INC.,)	
)	
Plaintiffs,)	C.A. No. 1:18-cv-11360-IT
)	
v.)	
)	
ESOTERIX GENETIC)	
LABORATORIES, LLC and)	
LABORATORY CORPORATION)	
OF AMERICA HOLDINGS,)	
)	
Defendants.)	
)	

6. The plaintiffs, with the assent of counsel for the defendants, respectfully request that the Court enter an order allowing the case caption to be amended to reflect the full name of the defendant Laboratory Corporation of America Holdings.

WHEREFORE, plaintiffs The General Hospital Corporation and Dana-Farber Cancer Institute, Inc., with the assent of the defendants' counsel, respectfully request that the Court enter

an order allowing the amendment of the case caption to reflect the name Laboratory Corporation of America Holdings, instead of Laboratory Corporation of America.

Respectfully submitted,

THE GENERAL HOSPITAL
CORPORATION AND DANA-FARBER
CANCER INSTITUTE, INC.
By their attorneys,

/s/ Carolyn A. Marcotte
Douglas J. Nash (BBO# 633050)
Carolyn A. Marcotte (BBO# 663616)
Barclay Damon LLP
One Financial Center, Suite 1701
Boston, MA 02111
(617) 274-2900
dnash@barclaydamon.com
cmarcotte@barclaydamon.com

Dated: July 19, 2018

LOCAL RULE 7.1(A)(2) CERTIFICATION

I, Carolyn A. Marcotte, counsel for the plaintiffs in the above-captioned matter, hereby certify that, pursuant to Local Rule 7.1(a)(2), I conferred with counsel for the defendants regarding the issue raised in this Motion and defendants' counsel informed me that the defendants' assent to the relief sought in this Motion.

/s/ Carolyn A. Marcotte
Carolyn A. Marcotte

CERTIFICATE OF SERVICE

I, Carolyn A. Marcotte, certify that on July 19, 2018, this Motion filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to the non-registered participants.

/s/ Carolyn A. Marcotte
Carolyn A. Marcotte